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July 13, 2022

Honorable Taryn A. Merkl, U.S.M.J.
United States District Court
Eastern District Of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Morales et al. v. Fourth Avenue Bagel Boy, Inc. et al.
18 Civ. 3734 (DLI) (TAM)

Dear Judge Merkl:

We respectfully submit this status report pursuant to the Minute Entry and Order, dated May 19, 2022. Unfortunately, at this juncture, we are unable to certify completion of discovery because Mr. Natale has continued to fail to provide requested discovery, including discovery outlined in correspondence to the Court in 2021. (*See* Dkt. ##58 and 62).

On April 25, 2022, we had a telephone conference with Mr. Natale regarding Defendants' deficient discovery responses. On June 15, 2022, we wrote to Mr. Natale seeking discovery regarding seven (7) numbered items. He responded to one item. On July 5, 2022, we sent a follow-up e-mail to Mr. Natale. Copies of my Firm's e-mails to Mr. Natale are attached hereto. Mr. Natale failed to respond to item numbers 1, 2, 3, 4, 6, and 7 of my June 15th e-mail and failed to provide an executed authorization form for records regarding his claim for unemployment insurance benefits ("UIB"). We respectfully request that the Court compel Mr. Natale to respond to the outstanding items by a date certain and extend the due date for the pretrial order to September 15, 2022 to allow Plaintiff time to obtain relevant documents from the landlord of 6907 Fourth Avenue and Mr. Natale's UIB records.

Mr. Natale requested discovery regarding other employment of Mr. Morales. We sent e-mails to Mr. Natale on June 14 and July 8, 2022, advising Mr. Natale that during the time frame applicable to Mr. Morales's claims in this lawsuit, he was employed by Defendants and did not have other employment and did not attend school. Accordingly, there is no further discovery to be provided to Mr. Natale regarding same. Thank you for Your Honor's attention to this matter.

Respectfully submitted,
/s/ Kenneth A. Goldberg
Kenneth A. Goldberg

From: kgldbrg@aol.com,

To: sbaker850@aol.com,

Subject: Case 1:18-cv-03734-DLI-TAM Morales et al v. Fourth Avenue Bagel Boy, Inc. et al

Date: Wed, Jun 15, 2022 11:54 am

Attachments: Authorization For Release Of Records.pdf (161K)

Mr. Natale,

This follows-up on our April 25, 2022 conference regarding Defendants' deficient discovery responses. We write to address those issues and to confer with you regarding such items.

1. We asked you to identify the name of any new corporation, owner/officers/directors operating Steve's Bagel's at 6907 Fourth Ave, Brooklyn, NY 11209. This confirms that on April 25, 2022, you alleged that you do not have that information. If you now have that information, please e-mail it to me forthwith.
2. We asked you to identify the name, address and telephone number of the landlord of 6907 Fourth Avenue. You said you would provide that information. Please e-mail it to me forthwith.
3. We asked you to identify the names of any employees working at Steve's Bagels. You said Daniel Paris is working there. We asked if you are working there. You replied with words to the effect of "I sit out front all day long." We also asked you if your daughter is working there and you said words to the effect of "you would have to ask her." Please confirm the following contact information for your daughter: Daryl Natale, 1854 73rd Street, Brooklyn, NY 11204, 718-791-3584. If you have any additional information regarding the names of employees (and contact information for such employees) currently working at Steve's Bagels, please e-mail that information to me forthwith.
4. We asked you to produce a copy of any new lease at 6907 Fourth Avenue. You replied with words to the effect of "it's not my store." If you have a copy of the lease, please e-mail it to me forthwith.
5. We asked you to produce all documents and records, and correspondence between Defendants and New York State, relating in any way to your allegation that you closed your corporation. You agreed to do so. Please mail and e-mail the responsive material to my Firm forthwith.
6. You alleged that you applied for and received unemployment insurance benefits after you allegedly closed your corporation. We asked you to produce all documents regarding any claim by you for unemployment insurance benefits. Please sign the enclosed authorization form (before a Notary Public) and return the executed form to my Firm forthwith.
7. You identified your brother as a witness and indicated that he resides in Sheepshead Bay. Please provide the full and complete name and address of your brother.

Kindly respond to the above items by June 22, 2022.

Kenneth A. Goldberg, Esq.
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AUTHORIZATION FOR RELEASE OF UNEMPLOYMENT INSURANCE

RECORDS

I, Steven Natale, SS# REDACTED,
reside at 29 70th Street, Brooklyn, New York 11209

, and hereby authorize the New York State
Department of Labor ("Department") to release unemployment insurance records for the
period of 2018 to present maintained by the Department under the above
stated social security number.

These records may be released to Kenneth A. Goldberg, Esq.
whose address is Goldberg & Fliegel LLP, 488 Madison Avenue, Suite 1120, NY NY 10022

The information is sought for a pending legal matter and will be used solely for that purpose.

Sworn to before me this

day of June, 2022

Notary Public

From: kgldbrg@aol.com,

To: sbaker850@aol.com,

Subject: Fwd: Case 1:18-cv-03734-DLI-TAM Morales et al v. Fourth Avenue Bagel Boy, Inc. et al

Date: Tue, Jul 5, 2022 4:06 pm

Attachments: Authorization For Release Of Records.pdf (161K)

Mr. Natale,

This follows-up on my June 15, 2022 e-mail (copy below).

Kindly provide all of the requested information and documents.

In addition, please sign the enclosed authorization form (before a Notary Public) and return the executed form to my Firm forthwith.

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-----Original Message-----

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